

ARKANSAS SUPREME COURT

No. 06-261

NOT DESIGNATED FOR PUBLICATION

ONE THOUSAND, ONE HUNDRED FIFTY-FIVE DOLLARS (\$1,155.00) IN UNITED STATES CURRENCY AND JULIUS TAYLOR JEFFRIES

Petitioners

v.

STATE OF ARKANSAS

Respondent

Opinion Delivered April 13, 2006

PRO SE MOTION FOR BELATED APPEAL
[CIRCUIT COURT OF SEBASTIAN COUNTY,
CV 2005-1166, HON. NORMAN WILKINSON,
JUDGE]

MOTION DENIED

PER CURIAM

Petitioner Julius Taylor Jeffries, an inmate in the Arkansas Department of Corrections, has filed in this court a *pro se* motion, styled as a motion for rule on clerk, requesting leave to proceed with an appeal of a default judgment entered in Sebastian County Circuit Court on November 14, 2005. Petitioner did not file a notice of appeal of the judgment until January 10, 2005. Petitioner had the responsibility to file a timely notice of appeal within thirty days of the date the order was entered in accordance with Ark. R. App. P.–Civ. 4 (a), and, as he did not do so, we treat the motion as one for belated appeal.

Petitioner filed a partial record with his motion showing that the default judgment was granted in a forfeiture proceeding alleging the money was seized by police as items intended to be exchanged for a controlled substance, or that were proceeds of such an exchange. This court has designated *in rem* forfeiture actions as civil proceedings. *State v. One 1993 Toyota Camry*, 333 Ark. 503, 969 S.W.2d 663 (1998). Our rules of civil procedure do not provide for a belated appeal in a civil case. *See Butcher v. State*, 345 Ark. 222, 45 S.W.3d 378 (2001).

Petitioner cites to *Johnson v. State*, 306 Ark. 423, 814 S.W.2d 559 (1991), urging that we

should permit the appeal because, acting as his own attorney, petitioner erred in calculating the time in which to file the notice. However, *Johnson* was a criminal case, and not applicable to the one at hand.

Motion denied.